

## REMARKS

The present application includes pending claims 1-24, all of which have been rejected. By this Amendment, claims 2, 3, 5, 7, 9, 11-13, 18-19 and 21-22 have been amended to clarify aspects of the inventions. New claims 25-31 have been added. The Applicants respectfully submit that the pending claims define patentable subject matter.

Claims 1-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 7,065,778 ("Lu"). The Applicants respectfully traverse these rejections for at least the following reasons.

### **I. Lu Does Not Anticipate Claims 1-17**

Claim 1 recites, in part, "server software that receives a **request that identifies** one of the associated first and second network addresses and **responds by identifying the other of the associated first and second network addresses** to support delivery...." Claim 8 recites, in part, "server software that receives a **request that identifies** one of the associated first and second protocol addresses and **responds by identifying the other of the associated first and second protocol address** to support delivery...."

Lu "relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming." *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video

recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Lu does not describe, teach, or suggest, however, “server software that receives a **request that identifies** one of the associated first and second network addresses and **responds by identifying the other of the associated first and second network addresses** to support delivery,” as recited in claim 1, or “server software that receives a **request that identifies** one of the associated first and second protocol addresses and **responds by identifying the other of the associated first and second protocol address** to support delivery,” as recited in claim 8. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer **arbitrarily** locates another PVR in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu at column 10, lines 10-15 as disclosing a request “that

identifies one of the associated first and second network addresses.” *See* December 4, 2006 Office Action at page 4. This portion of Lu states, however, the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu merely indicates the IP address of the location in which the recorded show will be sent. This passage of Lu does not, however, teach or suggest “server software that receives a request that identifies one of the associated first and second network addresses,” as recited in claim 1, for example. Thus, for at least this reason, the Office Action has not established a prima facie case of anticipation with respect to claims 1-17.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing “respond[ing to a request that identifies one of the associated first and second network addresses] by identifying the other of the associated first and second network addresses” *See* December 4, 2006 Office Action at page 4. This portion of Lu recites, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

*See* Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” *See id.* at column 6, lines 43-45. A request for delivery of a specific television show that may not be available to a person is not a “request that identifies one of the associated first and second network addresses.” Moreover, in response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested

television show.” Location of an arbitrary recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that “identif[ies] the other of the associated first and second network addresses to support delivery,” as recited in claim 1.

For at least the reasons discussed above, the Applicants respectfully submit that the Office Action has not established a prima facie case of anticipation with respect to claims 1-17. Indeed, Lu does not anticipate claims 1-17 for at least the reasons discussed above.

## **II. Lu Does Not Anticipate Claims 18-24**

Claim 18 recites, in part, “a closed and secure communication network, wherein the media is delivered from the first storage to the television display via the closed and secure communication network,” as amended. Lu does not describe, teach, or suggest such a limitation. Instead, Lu arbitrarily locates a PVR in a broadcast area to record a show for a PVR in another broadcast area over an open communication network. Thus, Lu does not anticipate claims 18-24 for at least this reason.

## **III. New Claims 25-31 Are In Condition For Allowance**

New claims 25-31 have been added. These claims are in condition for allowance over the cited references for at least the reasons discussed above with respect to claims 1-7. The fee for these new claims is calculated below:

7 additional claims in excess of 20 X \$50/claim = \$350

1 new independent claim in excess of 3 X \$200/claim = \$200

**TOTAL = \$550**

### **III. Conclusion**

In general, the Office Action makes various statements regarding claims 1-24 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the Office Action has not established a prima facie case of anticipation with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants. The Commissioner is authorized to charge any necessary fees, including the \$450 fee for the two month extension of time in which to respond and the \$550 fee for the new claims, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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